

**ORDINANCE NO. 09-66**

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 98 ENTITLED "ZONING", ARTICLE; II. ADMINISTRATION, DIVISION 2. LOCAL PLANNING AGENCY, AND IN PARTICULAR, ADDING NEW SECTIONS, HIALEAH CODE § 98-73 ENTITLED "GROWTH MANAGEMENT ADVISORY COMMITTEE" TO PROVIDE THE FUNCTION, DUTIES AND RESPONSIBILITIES OF THE GROWTH MANAGEMENT ADVISORY COMMITTEE AND HIALEAH CODE § 98-74 ENTITLED "DEER PARK CITIZEN ADVISORY COMMITTEE" TO PROVIDE THE FUNCTION, DUTIES AND RESPONSIBILITIES OF THE DEER PARK ADVISORY COMMITTEE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Planning and Zoning Board at its meeting of August 12, 2009 recommended approval of this ordinance; and

**WHEREAS**, the general purpose and intent of this ordinance is to provide proper zoning regulations in the best interest of the health, safety, welfare and aesthetics of the community and the proper administration of its government; and

**WHEREAS**, the specific intent and purpose of this ordinance is to codify the existing duties and responsibilities of the Growth Management Advisory Committee and to establish a Deer Park Citizen Advisory Committee to provide citizen comments to the Growth Management Advisory Committee on zoning applications on properties located within Deer Park or abutting Deer Park that are presented to the Growth Management Advisory Committee and on building and fence permits issued in connection with properties in Deer Park.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** Chapter 98 entitled "Zoning", Article II. Administration, Division

2. Local Planning Agency, of the Code of Ordinances of the City of Hialeah, Florida is

hereby amended, by the addition of Hialeah Code § 98-73 entitled “Growth management advisory committee” and Hialeah Code § 87-74 entitled “Deer Park citizen advisory committee”, to read as follows:

## **Chapter 98**

### **ZONING**

\* \* \*

#### **ARTICLE II. ADMINISTRATION**

\* \* \*

#### **DIVISION 2. LOCAL PLANNING AGENCY**

\* \* \*

#### **Sec. 98-73. Growth management advisory committee.**

The growth management advisory committee, comprised of city personnel as described in section 98-1736 hereof, shall provide recommendations to the planning and zoning board (the city's local planning agency) on applications for a conditional use permit (CUP); special use permit (SUP); land use plan amendment; platting, replatting or waiver of plat; a large scale development as submitted for recommendation by the planning and zoning official; and rezoning or a variance that may significantly impact the abutting properties or surrounding neighborhood as submitted for recommendation by the planning and zoning official, including all zoning applications or adjustments on property located in Deer Park. The recommendations may be in the form of an approval, denial or an approval with recommended changes or conditions.

#### **Sec. 98-74. Deer Park citizen advisory committee**

(a) Definitions.

The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this paragraph, except where the context clearly indicates a different meaning.

Deer Park means the geographic area within the city having as its southern boundary, Okeechobee Road; as its eastern boundary, S.E. 4 Avenue, as its western boundary, S.E. 1 Avenue, and as its northern boundary, Hialeah Drive, from S.E. 1 Avenue to Eucalyptus Drive, and then extending eastward to S.E. 4 Avenue, the northern property line of all lots fronting Eucalyptus Drive, To-To-Lo-Chee Drive and Pen-Na-Na Drive.

(b) Deer Park citizen advisory committee.

(1) The Deer Park citizen advisory committee shall be representative of all neighborhoods or geographic areas within Deer Park. The purpose of this committee is to provide comment on neighborhood impacts of a zoning application or building permit including, but not limited to, impacts relating to architectural consistency and compatibility of structures and buildings, fences and walls, landscaping, parking and traffic circulation, height, size and dimensions of structures and buildings, and aesthetics. The citizen advisory committee shall comprise no less than three members and all members shall reside in Deer Park. It is the intent of the committee to rotate membership in order to obtain a representative opinion from the Deer Park community.

(2) The Deer Park citizen advisory committee shall provide comments to the growth management advisory committee on all applications on property located within Deer Park or abutting Deer Park that are presented to the growth management advisory committee. Moreover, the Deer Park citizen advisory committee is entitled to provide comment to the planning and zoning official and the building official prior to the issuance of a building or fence permit on property located in Deer Park. The Deer Park citizen advisory committee shall have no more than ten days

to provide written comments upon receipt of notice of  
a pending building permit.

\* \* \*

**Section 2: Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 3: Penalties.**

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

**Section 4: Inclusion in Code.**

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered to conform to the uniform numbering system of the Code.

**Section 5: Severability Clause.**

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent

jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

**Section 6: Effective Date.**

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

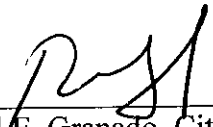
PASSED AND ADOPTED this 6th day of September, 2009.

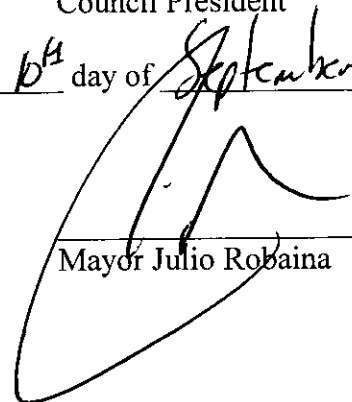
THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.

  
Carlos Hernandez  
Council President

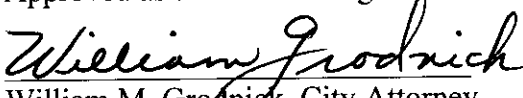
Attest:

Approved on this 6th day of September, 2009.

  
Rafael E. Granado, City Clerk

  
Mayor Julio Robaina

Approved as to form and legal sufficiency:

  
William M. Grodnick, City Attorney

~~Strikethrough~~ indicates deletion. Underline indicates addition.

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Ordinance was adopted by a 6-0 vote with Councilmembers, Caragol, Casals-Muñoz, Cue, Garcia-Martinez, Hernandez, Yedra voting "Yes" and Councilmember Gonzalez absent.